

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
APRIL 20, 2010
6:00 P.M.**

1. The meeting was called to order at 6:01 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Councilman Portwood.

ROLL CALL

PRESENT

Mayor Pat Woolley
Vice-Mayor Nancy Olson
Councilman Christian Portwood
Councilman Phil Owens
Councilman Dean Johnson
Councilwoman Cathy Maxey
Councilman David Dirkschneider
Councilwoman Jan Blake

ABSENT

Councilman Doug Davis

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Scott Barrett, City Engineer
Wiley Rice, City Planner
Pamela McDowell-Ramirez, City Clerk

2. Presentation to the Putnam City Pirates Basketball Team and Staff.

The Mayor read a Proclamation declaring April 20th Pirate Day and then handed out key chains to all the Basketball team and staff.

3. Discussion and possible action on appointing a Vice-Mayor and swearing in.

The Mayor stated that Councilwoman Olson had severed as his Vice-Mayor for the last year and he would like for her to continue.

The Mayor nominated Councilwoman Olson as Vice-Mayor and Councilman Johnson seconded. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The Mayor the swore-in Councilwoman Olson as the Vice-Mayor and Vice-Chair for the Public Works Authority and Economic Development Authority.

4. Call to the Public.

Rae Rice with OG&E told the council that he has a new position with OG&E and that Dean Polluck who has been with the company for 30 years is taking his place. He wanted to introduce him to the council.

Lois Meiers said she had missed several meeting due to other obligation and that she had written out all of her concerns. She gave them to the Clerk to be given to each of the Councilmembers. She thanked the Street and Parks, Sanitation, Animal Control, Police and Fire Departments for all their hard work. She stated that it was her recommendation that the Community Center be closed every day at 1:00p.m.

Tony Brady told the council that everyone knows his situation.

5. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.)

A. Approval of the minutes from the Regular meetings of February 16, 2010 and March 16, 2010. ****

B.	Approval of Expenditures ****	General Fund	\$ 170,636.80
		CIP Fund	\$ 3,212.05
		Sewer Line	\$ 31,000.00

C. Approval of Actual Expenditures for March 2010 and Proposed Expenditures for April 2010. ****

D. Sales Tax History Report. ****

E. Approval to surplus a 1997 Ford Crown Vic VIN#2FALP71W1X150038, from the Police Department, a 1998 Ford Taurus VIN#1FAFP5221WG248717 from the Public Works Department and miscellaneous items per attached list from the Fire Department. ****

F. Approval of the purchase of a used police unit from Kansas Highway Patrol from the Police Impound Fee.

Item A was pulled so the minutes could be voted on separately.

Motion by Dirkschneider, second by Portwood to approve items B, C, D, E, and F of the Consent Docket. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Discussion and possible action on items removed from the consent docket.

Item A. February 16, 2010 minutes.

Motion by Dirkschneider, second by Johnson to approve the minutes of February 16, 2010. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, abstain; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

Item A. March 16, 2010 minutes.

Motion by Dirkschneider, second by Johnson to approve the minutes of March 16, 2010. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. ****

Clerk Ramirez told the council that she was preparing a First Quarter Budget report and would have it out to them soon.

PWD Turman said the water line work was almost completed on 58th and then the overlay would be completed. The drainage work on MacArthur would take about 3 more weeks and then the overlay project would begin.

Item 9 was heard after item 6.

Item 7 was heard after item 9.

7. **PUBLIC HEARING:** Discussion and possible action on a Petition of property owners Anthony Blaine Brady and Barbara Jo Brady pursuant to 19.60.010 of the Warr Acres Municipal Code to enact an amendment to 9.08.010 of the Warr Acres Municipal Code, such proposed amendment being recommended for enactment by the Warr Acres Planning Commission by a 4-2 vote, including:

Barbara Brady addressed the council stating that she had sent emails to all the councilmembers that she had emails for in an effort to answer any questions they might have concerning the proposed amendment. She said that it does not change anything it only allows people an opportunity to ask for a shop on their property. She said they are sorry they are going through the process backwards and said they could have been dishonest but they have not and anyone is welcome to come and see what they are doing.

Tony Brady spoke and said that he and his wife love the city and they will not put up signs and no one will know what they are doing.

After each of the Brady's spoke there were nine friends and family tell the council what a wonderful person Mr. Brady is. Only one of the persons that spoke lived in Warr Acres.

Planning Commissioner Wehba told the council that he has been a resident for 48 years and involved in the city since 1968. He said he can understand their situation however the council needs to vote their responsibility not their heart. He said once the law is changed you will not be able to tell the next ones making a request NO. It opens it up to everyone.

Tony Brady was in tears and told the council that he believes that they have explained how it works and if the Planning Commissioners can not say "no" The council needs to look for new ones that can.

Barbara Brady said that this is common sense and it will only work in certain areas. She said that all the amendment does is open it up for people to apply.

The Mayor asked if there was anyone else that wished to speak and there was no one.

Motion by Portwood, second by Dirkschneider to close the public hearing. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, out during vote; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- A. Discussion and possible action on an Ordinance amending 9.08.010 to establish a Type B home Occupation in Residentially Zoned Property for a Single Person Barber or Beauty Shop;

After the public hearing was closed the council began discussing the proposed Ordinance change.

Councilman Portwood stated that changing the Ordinance for Barber shops/style shops makes it more restrictive.

Mayor Woolley stated that the change would take Barber shops/style shops off the restrictions and puts them as Use on Review. He said that there is a difference between home occupations and customer based business. In a home occupation activity takes place away from the home but the office is located in the home. Customer based businesses are primarily located outside the home, customers come to the business for services or products. A Barbershop is a customer based business. He stated that he had spoken with several other cities and they all strongly agreed that this should not be allowed. Some of the reasons were the safety of the residents. He said most people know the cars that are in their neighborhoods and report if there is something out of the ordinary. He said the neighborhoods are low traffic, safe and quiet places. He stated that the residents have come to expect fast response from Police and Fire and the added traffic might cause delays. He said that this would affect the values of the homes in the area. Another issue he raised was that there are as many as 50 empty commercial sites in the city and he has worked hard in his first year as Mayor to improve the relationship between the city and its commercial businesses. He stated that the city needs to fill the commercial areas and not put businesses in the residential areas. Both Chief Carter and Chief Patty stated their concerns.

Attorney Love stated that everyone needed to remember that this was not about the Brady's it was all about changing the City's Ordinance.

Councilman Johnson stated that once they allow one how will they stop any in the future.

Councilman Portwood stated the Mayor was over the top with his comments. It only moves it from one exclusion list to another list and it is up to the city.

Councilman Owens stated that they would be voting to change the law.

Councilman Portwood said the door was already open.

Councilman Johnson said that he disagreed that the city had spent time and money to set up the city plan. He said that his parents worked hard to incorporate Warr Acres.

Councilman Dirkschneider said it is not about Mr. Brady, it is about policy. He said the city has a Master Plan and city has not lost a lawsuit yet as long as they stuck to the plan. He commented on where the neighbors were if they have no problem with this.

Planning Commission Bob Wehba stated that prior to 1979 the city never won a suit but once they adopted the Master Plan they have not lost. He stated it took three years to develop the plan there was a lot of hard work that went into it.

Councilman Portwood stated that they are her to look at laws and allow freedom.

Mayor Woolley asked for forgiveness and said that he was not attacking a Barber shop. He said there is a difference between a home occupation and a people based business and it would be changing the neighborhood.

Motion by Maxey, second by Owens to deny the Ordinance change. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, nay; Olson, yea; and Woolley, yea.

Motion Passed.

B. Approval of the emergency clause.

Moot.

Item 21 was heard after item 7.

Item 8 was heard after item 21.

8. Discussion and possible action to extend the Ward 3 and 4 temporary flow monitoring contract with Interra Hydro for up to sixty calendar days. The fee for each thirty calendar day extension is \$15,000. The contract extension is requested due to the lack of significant rainfall events during the original contract time.

The Mayor stated that we had just had heavy rains and if we received more in the next few day could they not go the full 60 day extension. Engineer Barrett stated yes but the there needs to be 2 or 3 events. Councilman Portwood asked if they could have the meters pulled once there was enough rain. Engineer Barrett stated that they could. He also told them that they were already in the first 30 day extension time period.

Motion by Maxey, second by Blake to extend the contract not to exceed 60 day and pull the meters once the City Engineer declares there to have been enough rain and have obtained satisfactory results. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 9 was heard after item 6.

9. Discussion and possible action on approving a Capital Improvements Plan.
Vance

Ms. Vance stated that over the last few months she has provided the council with information on utility rates, usage and now she is presenting them with a Capital Improvement plan outlining the needs of the city. She went through the booklet and explained that it was not a budget but it was a list of needs. Now it would be up to the council to determine how to fund the needs. Councilman Portwood asked who determined the top 10. Ms. Vance stated that she worked with the department heads to prioritize. When applying for grants they want to see that the city has a plan and it must be provided to them at the time of application. She said she realized there was a lot of information but that in order to get it turned in with the application on May 3rd she needed them to approve the plan. She told them that it is not set in stone and can be changed as needed. Councilman Dirkschneider questioned whether they could vote on it right then. Attorney Love stated that it can be changed and is just a global wish list and yes, legally they can vote on it. The Mayor stated it was a game plan.

Motion by Dirkschneider, second by Portwood to approve the Capital Improvement Plan. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 10 was heard after item 8.

10. Discussion and possible action to appropriate \$41,000 collected in Use Tax from the first quarter and approval to use the \$41,000 to pay towards the OMRF retirement unfunded actuarial liability. ****

Motion by Olson, second by Johnson to appropriate and approve paying \$41,000 towards the OMRF retirement. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

11. Discussion and possible action on directing the City Attorney to draw up an Ordinance similar to the Del City's Ordinance bring rental properties up to code. *Blake* ****

Councilwoman Blake stated that she wanted the council to take a look at Del City's Ordinance and consider putting one into affect for Warr Acres so that we can get rental properties up to code. Councilwoman Olson asked who would enforce the Ordinance, stating that currently we do not have the manpower to do it. Attorney Love stated that the city not only dose not have the staff to enforce it but we would have to have a separate court and restructure the staffing. Councilwoman Blake said she just wanted them to consider putting something in place. She said if they could bring some up to code it would help.

No action was taken.

12. Discussion and possible action concerning the drainage ditch that runs behind the houses in 4800 block of Reeves and authorization to direct the City Engineer to look into fixing the situation. *Blake*

Councilwoman Blake stated that there were about four of these in the city. The Mayor stated that he and PWD Turman would take a look and see what could be done.

No action was taken.

13. Discussion and possible action to authorize the City Attorney to check into the rate that the Warr Acres residents are being charged for water from Oklahoma City. *Blake*

Councilwoman Blake would like OKC to be contacted about the rate the Warr Acres residents are paying. She said it is more than the 7 1/2% that is allowed by contract.

No action was taken.

14. Discussion and possible action to authorize the Mayor to execute a settlement of all claims against Lisa Lapsley related to a car accident occurring on December 10, 2009, including discussion of the terms of any such settlement. *Love*

Attorney Love stated that Ms. Lapsley's insurance has agreed to settle the claim for \$1,748.10 and they take the truck or \$1,597.60 and the city keeps the truck. The question was raised as to whether the truck could still be used. The answer was yes or it could be sold for more than the difference of \$150.50.

Motion by Owens, second by Portwood to authorize the Mayor to execute the settlement for \$1,597.60 and retain the truck. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

15. Discussion and possible action on the collection of State mandated building permit fees, including:
 - a. Possible action to authorize the City Clerk to refund any fees which were collected prior to April 1, 2010, pursuant to the Warr Acres Municipal Code, 16.04.130.

- b. Discussion and possible action to make a finding that the fees authorized by the Warr Acres Municipal Code, 16.04.130, should not be collected until June 1, 2010.
- c. Possible action to authorize the City Clerk to refund any fees which were collected on or after April 1, 2010, pursuant to the Warr Acres Municipal Code, 16.04.130. *Love*

Attorney Love stated that this has been a major pain for the Inspector. It was started in February then received word from the state not to start until April then received further word that could wait until June to start. He wanted the council to decide what action they wanted to take.

Motion by Dirkschneider, second by Owens to approve A, B and C. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- 16. Discussion and possible action on a Resolution amending the vacation buy back Section 503 of the Employee Personnel Policies and Procedures Manual. *Love* Attorney Love stated that the Mayor asked him to take a look at this. He stated that it did not make sense in the way it was written. He stated that this would allow for those who have worked over 20 years to cash in 80 hours after they use 80 hours.

Motion by Dirkschneider, second by Owens to approve the Resolution # 457. Poll vote: Johnson, nay; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

- 17. A. Discussion and possible action on an Ordinance amending 8.04.030 A5 by increasing the administrative fee for nuisance abatements. *Turman* ****

PWD Turman stated that there are around 400 notices that go out each year and each one that is filed with the county cost the city \$26 for the lien and the release. He stated that the current \$50 admin fee did not come close to covering the cost. He said that he recommended raising it to \$200.

Motion by Maxey, second by Johnson to amend the Ordinance #1084 to set the fee at \$200. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

B. Approval of the emergency clause.

Motion by Owens, second by Portwood to approve the emergency clause. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

18. Questions and Comments from Councilmembers.

Councilwoman Blake said there were free trees out front for any one that wanted them. She said the one day DEQ clean up got rained out. The Boy Scouts pulled weeds at the Community Center and the DEQ Arbor project was approved.

Councilman Johnson stated that everyone that has a storm shelter should register them with the city.

Item 22 was heard after item 18.

19. Discussion concerning potential litigation by the City of Warr Acres against the Fraternal Order of Police, Lodge 145, related to Lodge 145's attempt to pursue grievance arbitration related promotions and promotion testing occurring on or after January 1, 2010, where arbitration is requested before the 2010 Collective Bargaining Agreement is resolved including discussion and possible action to enter into executive session as allowed under 25 O.S. Supp. §307(B)(4) for confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceedings in the public interest. *Love*
20. Discussion and possible action on matters discussed in executive session, including possible action to authorize the City Attorney to file a Petition for Declaratory Relief and for a Temporary and Permanent Injunction against the Fraternal Order of Police, Lodge 145, in the District Court of Oklahoma County to prevent grievance arbitration over the promotions grievance until a viable Collective Bargaining Agreement is reached between the City and the Fraternal Order of Police, Lodge 145. *Love*

Attorney Love pulled items 19 and 20 from the agenda.

Item 21 was heard after item 7.

21. Discussion and possible action concerning contract negotiations for FY 2010 with FOP Lodge #145, and IAFF Lodge #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S.

Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups. *Puckett*

Motion by Portwood, second by Olson to enter into executive session with Tony Puckett, Chief Patty and Chief Carter to stay. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The council entered into executive session at 8:18 p.m. after taking a 5 minute break.

The council returned to open session at 8:52 p.m.

Motion by Johnson, second by Owens to return to open session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 22 heard after item 18.

22. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

23. Adjournment.

Motion by Owens, second by Dirkschneider to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING

**TUESDAY
APRIL 20, 2010
7:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 9:35 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Pat Woolley
Vice-Chair Nancy Olson
Trustee Christian Portwood
Trustee Phil Owens
Trustee Dean Johnson
Trustee Cathy Maxey
Trustee David Dirkschneider
Trustee Jan Blake

ABSENT

Trustee Doug Davis

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of March 16, 2010. ****

Motion by Blake, second by Owens to approve the minutes. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

3. Approve payment of claim in the amount of \$63,668.22 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of March, 2010. ****

Motion by Olson, second by Owens to approve the payment. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department. ****

Motion by Owens, second by Portwood to approve the payment of claims. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Dirkschneider, second by Portwood to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
APRIL 20, 2010
7:00 p.m.**

(Immediately following completion of the regularly scheduled City Council and Public Works Authority meetings)

1. The meeting was called to order at 9:37 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Pat Woolley
Vice-Chair Nancy Olson
Trustee Christian Portwood
Trustee Phil Owens
Trustee Dean Johnson
Trustee Cathy Maxey
Trustee David Dirkschneider
Trustee Jan Blake

ABSENT

Trustee Doug Davis

2. Discussion and possible action on purchasing business directory booklets to be placed in the hotel and other business. *Johnson* *****

Motion by Blake, second by Dirkschneider to approve using Kinko's to print the booklets and approve purchasing 500 booklets and an additional 500 if needed.
Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

3. Discussion and possible action on purchasing supplies for a brown bag welcome wagon program.

Trustee Johnson stated that businesses have agreed to give donations to have included in the welcome bags.

Motion by Blake, second by Dirkschneider to spend up to \$50 on supplies. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Discussion and possible action on setting up a sub-committee to work on bringing businesses into the city.

The Mayor asked for volunteers to serve on a committee to work to bring in business. Trustees Dirkschneider, Blake and Mayor Woolley will be the committee.

5. Adjournment.

Motion by Olson, second by Portwood to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk